



*Private*

**PATENT APPLICATION**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of

Docket No: Q64288

Christian OLDENDORF, et al.

Appln. No.: 09/850,113

Group Art Unit: 2841

Confirmation No.: 4642

Examiner: Randy W. GIBSON

Filed: May 08, 2001

For: ELECTRIC BALANCE FOR CORRECTING MISLOADING THEREOF

**RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT**

**MAIL STOP NON-FEE AMENDMENT**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

In response to the Notice Of Non-Compliant Amendment dated February 11, 2004 in the above-identified reissue application (copy enclosed), Applicant respectfully submits that the Amendment filed on December 23, 2004 is fully compliant with the USPTO requirements for reissue applications.

Under 37 C.F.R. § 1.121, amendments in applications, other than reissue applications, require a listing of all the pending claims. For reissue applications, amendments are made pursuant to 37 C.F.R. § 1.173, which does not require a listing of all the claims.

U.S. Appln. No.: 09/850,113

Attorney Docket No. Q64288

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

In issuing the Notice Of Non-Compliant Amendment, the USPTO overlooked the fact this application is a reissue application and erroneously imposed the requirements of 37 C.F.R. § 1.121. In view of this error, Applicant respectfully submits that the Amendment of December 23, 2003 is compliant and requests that this Amendment be forwarded to the Examiner for consideration on the merits.

Respectfully submitted,



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WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: February 20, 2004



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND  
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, DC 20231  
[www.uspto.gov](http://www.uspto.gov)



Paper No.

## Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 12-23-03 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on June 30, 2003 (see 68 Fed. Reg. 38611, Jun. 30, 2003). In order for the amendment document to be compliant, correction of the following omission(s) or provision is required. Only the section (1.121(h)) of the amendment document containing the omission or non-compliant provision must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted.

THE FOLLOWING CHECKED (X) ELEMENTS(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- 1. Amendments to the specification:
  - A. Amended paragraph(s) do not include markings.
  - B. New paragraph(s) should not be underlined.
  - C. Other \_\_\_\_\_
- 2. Abstract:
  - A. Not presented on a separate sheet. 37 CFR 1.72.
  - B. Other \_\_\_\_\_
- 3. Amendments to the drawings: \_\_\_\_\_
- 4. Amendments to the claims:
  - A. A complete listing of all of the claims is not present.
  - B. The listing of claims does not include the text of all claims (incl. withdrawn claims)
  - C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified.
  - D. The claims of this amendment paper have not been presented in ascending numerical order.
  - E. Other: \_\_\_\_\_

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preonotice/officeflyer.pdf>.

If the non-compliant amendment is a PRELIMINARY AMENDMENT, applicant is given ONE MONTH from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this ONE MONTH time limit is not extendable.

If the non-compliant amendment is a reply to a NON-FINAL OFFICE ACTION, and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a TIME PERIOD of ONE MONTH from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).

If the amendment is a reply to a FINAL REJECTION, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.

Legal Instruments Examiner (LIE)  
(571) 272-1591



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/850,113	05/08/2001	Christian Oldendorf	Q64288	4642

7590 02/11/2004

Sughrue Mion Zinn Macpeak & Seas PLLC  
2100 Pennsylvania Avenue NW  
Washington, DC 20037-3202

DOCKETED

FEB 13 2004

EXAMINER

GIBSON, RANDY W

ART UNIT

PAPER NUMBER

2841

DATE MAILED: 02/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.